

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 3676 - HB 3760

March 1, 2010

SUMMARY OF BILL: Creates a Class A misdemeanor for an offense of animal cruelty that results in physical injury to an animal. Punishable as a Class E felony if the offense results in serious bodily injury or death of an animal.

ESTIMATED FISCAL IMPACT:

Increase State Revenue – Not Significant

Increase State Expenditures - \$2,004,900/Incarceration*

Increase Local Revenue – Not Significant

Increase Local Expenditures – Not Significant

Assumptions:

- Currently, cruelty to animals is a Class A misdemeanor. A second or subsequent conviction is a Class E felony.
- State court convictions are 10 percent of the total convictions statewide. According to the Administrative Office of the Courts, there has been an average of 17 Class A and Class B misdemeanors for cruelty to animal offenses in each of the past five years. Total convictions, including general sessions courts, are estimated to be an average of 170 per year.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in 18 additional offenders. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 188 offenders. The Department of Correction (DOC) estimates 37 percent (70) of the total offenses would have resulted in serious bodily injury or death of an animal and would be sentenced to a Class E felony as a result of this bill.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2010 is \$59.86. The average post-conviction time served for a Class E felony is 1.31 years (478.48 days). The cost per offender at 1.31 years is \$28,641.81 (\$59.86 x 478.48 days). The total additional operating cost for 70 offenders is \$2,004,926.70 (\$28,641.81 x 70).
- Any impact to state trial courts can be accommodated within existing resources without an increased appropriation.

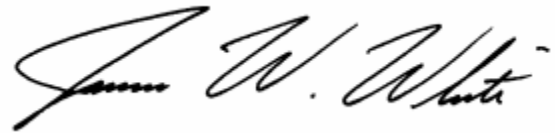
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- There will not be a sufficient additional number of misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- Based on the Fiscal Review Committee's 2008 study of incarceration costs and fines, collection of fines for felony offenders is negligible. There will not be a significant increase in state revenue as a result of this bill.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc